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09/245,347	02/05/1999	CHIYO AKAMATSU	520.36900X00	4824

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EXAMINER

MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 12/24/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/245,347

Applicant(s)

AKAMATSU ET AL.

Examiner

Michael J Molinari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-37 and 39-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenwick et al. (U.S. Patent No. 4,947,244).

3. Referring to claim 33, Fenwick et al. disclose a receiver apparatus for receiving a program and outputting it to other apparatuses (Video Distribution System, see Figure 1, #100), comprising: an output circuit for outputting said program to said other apparatus (Video Switch Apparatus, see Figure 1, #114); and a control circuit for controlling an output of said output circuit (Controller, see Figure 1, #116), so as to manage a number of said other apparatuses, through which the program can be viewed or recorded simultaneously, wherein said control circuit restricts the number of said other apparatuses, to which said output circuit provides the output, to be less than or equal to a predetermined number (see column 7, line 55 to column 8, line 28).

4. Referring to claim 34, Fenwick et al. disclose that said control circuit provides no program to the other apparatuses other than that, to which the control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at

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present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

5. Referring to claim 35, Fenwick et al. disclose that said control circuit gives notice to the other apparatus, to which said program is not being output, that no program is to be output through said output circuit (see column 7, lines 55-67 and column 8, lines 1-2).

6. Referring to claim 36, Fenwick et al. disclose an input circuit for inputting a command from said other apparatuses, wherein said input circuit inputs an outputting requirement for said program from said other apparatuses (see Figure 2, #130 and see column 4, lines 50-53).

7. Referring to claim 37, Fenwick et al. disclose that said control circuit interrupts an output to one set of the other apparatuses, to which the control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

8. Referring to claim 39, Fenwick et al. disclose an information output apparatus for outputting Audio Visual (AV) data to other apparatuses (Video Distribution System, see Figure 1, #100), comprising: an output circuit for outputting said data to said other apparatuses (Video Switch Apparatus, see Figure 1, #114); and a control circuit for controlling an output of said output circuit (Controller, see Figure 1, #116), so as to manage a number of said other apparatuses, through which the program can be viewed or recorded simultaneously, wherein said control circuit restricts the number of said other apparatuses, to which said output circuit provides the output, to be less than or equal to a predetermined number (see column 7, line 55 to column 8, line 28).

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9. Referring to claim 40, Fenwick et al. disclose that said control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

10. Referring to claim 41, Fenwick et al. disclose that said control circuit gives notice to the other apparatuses, to which no data is being output, that no data is to be output, through said output circuit (see column 7, lines 55-67 and column 8, lines 1-2).

11. Referring to claim 42, Fenwick et al. disclose an input circuit for inputting a command from said other apparatuses, wherein said input circuit inputs an outputting requirement for said data from said other apparatuses (see Figure 2, #130 and see column 4, lines 50-53).

12. Referring to claim 43, Fenwick et al. disclose that said control circuit interrupts an output to one set of the other apparatuses, to which the control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

13. Referring to claim 44, Fenwick et al. disclose an information output method for outputting Audio Visual (AV) data to other apparatuses, comprising the following steps of: managing a number of said other apparatuses, through which said data can be viewed or recorded simultaneously; and restricting the number of said other apparatuses, to which the data is output, to be less than or equal to a predetermined number (see column 7, line 55 to column 8, line 28).

14. Referring to claim 45, Fenwick et al. disclose that no data is provided to the other apparatuses other than that, to which data is being output at present, when the number of the

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other apparatuses to which data is being output at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

15. Referring to claim 46, Fenwick et al. disclose that a notice is given to the other apparatuses, to which no data is being output, that no data is being output (see column 7, lines 55-67 and column 8, lines 1-2)

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenwick et al. (U.S. Patent No. 4,947,244).

18. Referring to claim 38, Fenwick et al. differ from claim 38 in that they fail to disclose that the number of the other apparatuses, through which the program can be viewed or recorded simultaneously, is determined based on a receiving contract between a provider of said program. Fenwick et al. do show that the number of other apparatuses can be varied (see column 8, lines 3-28) by varying the number and arrangement of the bus lines. It is well known in the art to contract out for installation and maintenance of such a system by the provider of such a program (the hotel) to achieve the advantage of eliminating the need to maintain an in-house engineer for infrequent maintenance and upgrading of the system. One skilled in the art would have recognized the advantage of such an arrangement. Therefore, it would have been obvious to a

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person with ordinary skill in the art at the time of the invention to contract out maintenance and upgrading of the system to achieve the advantage of saving money.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. U.S. Patent No. 5,761,416 to Mandal et al. teaches the desirability of the use of an admission arbitrator for limiting the number of users who can access a video server to prevent overload.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Michael Joseph Molinari



ALPUS H. HSU  
PRIMARY EXAMINER